

**CARROLLTON CITY COUNCIL
TELEPHONIC MEETING AND WORKSESSION
APRIL 21, 2020**

The City Council of the City of Carrollton, Texas convened in a Telephonic Meeting and Worksession on Tuesday, April 21, 2020 at 5:15 pm with the following members present; Mayor Kevin Falconer, Mayor Pro Tem Young Sung, Deputy Mayor Pro Tem Frances Cruz, Councilmembers John Sutter, Glen Blanscet, Mike Hennefer, Pat Cochran (*on-line at 7:20 pm*) and Steve Babick. Also present were City Manager Erin Rinehart, Assistant City Managers Marc Guy, Bob Scott and Chrystal Davis, City Attorney Meredith Ladd and City Secretary/Admin Services Director Laurie Wilson.

5:15 P.M. – TELEPHONIC MEETING

***** PRE-MEETING / EXECUTIVE SESSION *****

Mayor Falconer convened the meeting at 5:20 pm.

*****EXECUTIVE SESSION *****

2. Council convened in **Executive Session at 5:21 pm** pursuant to Texas Government Code:
 - **Section 551.071** for private consultation with the City Attorney to seek legal advice with respect to pending and contemplated litigation and including all matters on this agenda to which the City Attorney has a duty under the Texas Rules of Discipline and Professional Conduct regarding confidential communication with the City Council.
 - LRFI Dallas Logistics 1 LLC et al v. City Of Carrollton
3. Council reconvened in **Open Session at 6:35 pm** to consider action, if any, on matters discussed in the Executive Session. No action taken.
1. Receive **information and discuss Agenda.**

Mayor Falconer recessed the Worksession at 7:13 pm to convene in Regular Meeting.

*****REGULAR MEETING 7:00 PM*****

Mayor Falconer convened the Telephonic Council Meeting at 7:20 pm.

INVOCATION – Councilmember Steve Babick

PLEDGE OF ALLEGIANCE – Deputy Mayor Pro Tem Frances Cruz

CONSENT AGENDA

*(*All items marked with a single asterisk are part of a Consent Agenda and require no deliberation by the Council. Each Council member has the prerogative of removing an item from this agenda so that it may be considered separately. Contracts and agreements are available in the City Secretary's Office.)*

Mayor Falconer advised that Item 23 was pulled for individual consideration.

Councilmember Hennefer moved approval of Consent Agenda Items 8-22; second by Councilmember Blanscet. The motion was approved with a unanimous 7-0 vote.

MINUTES

- *8. Consider Approval Of The April 7, 2020 Regular Meeting Minutes.**

BIDS & PURCHASES

- *9. Consider Approval Of RFP # 20-006 For Sand And Gravel For Various Departments From Various Vendors In An Amount Not To Exceed \$124,450.00.**
- *10. Consider Approval Of RFP # 20-009 Plant Protection From Various Vendors For The Parks Department In An Amount Not to Exceed \$71,775.00.**
- *11. Consider Approval Of RFP # 20-011 For Fertilizer For The Parks Maintenance Department From Various Vendors In An Amount Not To Exceed \$102,300.00.**
- *12. Consider Approval For RFP# 20-005 For Multiple Departments For Irrigation System Installation And Repairs In An Amount Not To Exceed \$290,000.00.**
- *13. Consider Approval Of Bid #20-008 For Asphalt For Public Works From Various Vendors In An Amount Not To Exceed \$98,526.00.**

CONTRACTS & AGREEMENTS

- *14. Consider Authorizing The City Manager To Approve A Contract With 3D Paving And Contracting, LLC For The Woodlake No. 3 Alley Replacements Project In An Amount Not To Exceed \$1,175,100.00.**
- *15. Consider Authorizing City Manager To Execute An Amendment To A Contract With Orion Management Solutions For Management Of Indian Creek Golf Course In An Amount Not To Exceed \$316,644.00 For A Total Contract Amount Not To Exceed \$476,644.00.**
- *16. Consider Authorizing The City Manager To Approve A Contract With Pro Track And Tennis, Inc, Through BuyBoard For Oak Creek Tennis Center Resurfacing In An Amount Not To Exceed \$72,006.00.**

ORDINANCE

- *17. Consider All Matters Incident And Related To The Issuance Of “City Of Carrollton, Texas, General Obligation Bonds, Series 2020”; Levying a Continuing Direct Annual Ad Valorem Tax For The Payment Of Said Bonds; And Resolving Other Matters Incident And Related To The Issuance, Sale, Payment, And Delivery Of Said Bonds; Establishing Procedures For The Sale And Delivery Of The Bonds; And Delegating Matters Relating To The Bonds; And Delegating Matters Relating To The Sale And Issuance Of The Bonds To Authorized City Representatives.**
- *18. Consider An Ordinance Authorizing The City Manager To Amend The Operating And Capital Budget For The Fiscal Year October 1, 2019 Through September 30, 2020.**

RESOLUTIONS

- *19. Consider A Resolution Authorizing The City Manager To Negotiate And Execute A Professional Services Contract With Birkhoff, Hendricks, & Carter, LLP For Engineering**

Services To Update The City's Water And Wastewater Master Plans In An Amount Not To Exceed \$368,520.00.

***20. Consider A Resolution Authorizing The City Manager To Execute An Addendum To The Consolidated Public Safety Communications And Dispatch Operations Agreement Transferring Ownership And Operation Of The Joint P25 Public Safety Communications System to NTECC.**

***21. Consider A Resolution Authorizing The City Manager To Negotiate And Execute A Lease Agreement With 3-Nations Brewing, LLC For The Use Of City-Owned Property At 1003 Main Street.**

***22. Consider A Resolution Of The City Of Carrollton, Texas Finding That Oncor Electric Delivery Company LLC's Application For Approval To Amend Its Distribution Cost Recovery Factor To Increase Distribution Rates Within The City Should Be Denied; Authorizing Participation With Oncor Cities Steering Committee; Authorizing The Hiring Of Legal Counsel And Consulting Services; Finding That The City's Reasonable Rate Case Expenses Shall Be Reimbursed By The Company; Finding That The Meeting At Which This Resolution Is Passed Is Open To The Public As Required By Law; Requiring Notice Of This Resolution To The Company And Legal Counsel.**

~~***23. Consider A Resolution Authorizing The City Manager To Approve Emergency Funding For Metrocrest Services, Inc. In Response To The Covid-19 Pandemic In An Amount Not To Exceed \$200,000.00.**~~

ITEMS REMOVED FROM CONSENT AGENDA FOR INDIVIDUAL CONSIDERATION

***23. Consider A Resolution Authorizing The City Manager To Approve Emergency Funding For Metrocrest Services, Inc. In Response To The Covid-19 Pandemic In An Amount Not To Exceed \$200,000.00.**

Mayor Falconer stated that the needs of the community have increased dramatically due to COVID-19 and suggested that the City assist Metrocrest financially. He asked Tracy Eubanks to relay what is happening with Metrocrest Services.

Tracy Eubanks, Chief Executive Officer, Metrocrest Services, stated that the two areas that seem to be growing at the fastest pace are the food operations and rent assistance. He stated that they could no longer offer the client choice food pantry and described the drive through food operation they now offer. During the week of March 16, they distributed 3,200 meals a day and as of this week, they are on pace to serve 8,000 meals a day which is about 38% above last week. With regard to rent assistance, he stated the need was immediate because many of the people who first lost their jobs were people who worked cleaning homes and offices as well as those who worked in hospitality fields. He stated that they typically assisted about 70 people in April but this year, they would assist with about 400 rent payments. He added that they expect May to increase because many may have had sufficient dollars to make it through April, but will likely need more assistance in May and more people will need assistance. He stated they are considering the need to hire social workers because of the additional work load on the current staff members. He estimated 40% of new clients.

Councilmember Babick asked if they have received any help from the grocery partners. Mr. Eubanks referred to the problems that grocers are having with keeping shelves stocked and stated that their major supplier, North Texas Food Bank, is raising funds but are having trouble finding food to

purchase. He stated that some of the retail partners are now beginning to have some supplies to donate and he mentioned several places they have contracted with such as Cysco. He added that they have received a lot of great donations from individuals noting that they have seen between 400-450 new donors during the last five weeks. He reported receiving business donations as usual if the businesses continue to be in operation as well as funding from civic groups.

Councilmember Blanscet asked about the projection of \$650,000 for Carrollton residents for the months of April – July and asked if the costs and usage expect to remain high after August. Mr. Eubanks stated Metrocrest Services was augmented with donations and other Foundation funds. He stated that their projections for Carrollton residents only through September show a gap of \$661,000. He talked about the many things they are doing such as applying for grants and continuing to ask for donations. Councilmember Blanscet commended the staff of Metrocrest Services noting their politeness and kindness.

Councilmember Cochran also voiced appreciation for everything Metrocrest Services was doing to help the community and asked if their hours of operation have been extended to help the number of people seeking assistance. Mr. Eubanks stated that they have not extended the hours stating the hours of operation have always been longer than other food pantries and he voiced the need to consider the health and well being of the employees and volunteers. He explained that the normal hours are 8:30 am to 4:00 pm and on Saturdays from 9:00 am to 1:00 pm. He stated that they would close Social Work on Saturdays unless that is the only time a person in need can meet and he added that Social Work is accommodated by phone.

Deputy Mayor Pro Tem Cruz asked Mr. Eubanks to elaborate on the Social Work aspect particularly with regard to assisting people who won't have jobs to go back to. Mr. Eubanks stated that they typically have two dedicated employees who help people prepare for and find jobs. He stated they are prepared to make an investment in that area as well because of the expected need.

Mayor Pro Tem Sung asked about assistance for people with disabilities or transportation needs. Mr. Eubanks explained that they have always had a program directed toward seniors and those with disabilities. He stated the focus is on driving people to doctor appointments and the grocery store. He added that if individuals cannot leave the home, they will deliver food.

Councilmember Sutter expressed his gratitude to Metrocrest for everything they are doing to serve the citizens of Carrollton and the surrounding communities and underscored their value as a partner.

Councilmember Blanscet asked staff if the additional funds provided to Metrocrest are recoverable through FEMA. Emergency Management Coordinator Elliott Reep replied that staff would be applying for reimbursement adding that reimbursement for similar Metrocrest assistance was approved in 2015.

Mayor Falconer thanked Mr. Eubanks for the assistance and his leadership during this tremendous disaster. He encouraged residents to donate to Metrocrest and also suggested going to a link on the Metrocrest Chamber website to purchase one or more masks.

Mr. Eubanks stated they would continue to keep the Council updated and voiced appreciation for Council's support.

Councilmember Sutter moved approval of the Resolution authorizing the City Manager for the emergency funding for Metrocrest Services for the pandemic in an amount not to exceed \$200,000; second by Councilmember Babick.

Councilmember Blanscet noted that the projection is a gap of \$600,000 just for Carrollton residents and proposed the amount be increased to \$400,000 if possible. He stated this is a government imposed problem and felt the City needed to do as much as possible. City Attorney Meredith Ladd stated that the item was posted for \$200,000 and therefore the Council could not approve more than that amount at this meeting. Mayor Falconer stated an item would be set on a future agenda for increased funding.

The motion was approved with a unanimous 7-0 vote.

OTHER BUSINESS

24. Consider A Resolution Rescinding Resolution No. 4373 Regarding Approval And Consent To The Continuation Of A Declaration Of Local State Of Disaster In Response To Concerns Related To The Coronavirus Disease 2019 (COVID-19).

Mayor Falconer recommended that the Resolution not be rescinded and that it continue to May 12. Councilmember Babick suggested that the resolution not be rescinded and that it be pulled from the agenda. There were no objections and no action was taken.

25. Consider An Ordinance Amending And Restating Ordinance No. 3953 By Requiring Nose And Mouth Coverings To Be Worn In Specific Circumstances Within The City Of Carrollton And Extending The Effective Date Of The Ordinance Until May 12, 2020.

Mayor Falconer talked about the need to begin opening the economy back up and underscored the need to do it in a very responsible manner. He recommended that Ordinance 3953 expire on April 22, 2020. He explained that Carrollton is still under the Orders of the Governor and county judges. He stated that the ability to act quickly will be important and the ordinance doesn't allow the Council to do that. The Disaster Declaration through May 12 provides the ability to act quickly as needed and he talked at length about the communities understanding about social distancing and other CDC recommendations. He felt that policy makers and public officials need to be as innovative as possible while keeping the health mandates in mind.

Councilmember Babick underscored that social distancing and such was so important; and he noted that the nature of a small business is 25-30 transactions a day. He stated that while he is optimistic, it is important to remain guarded.

Councilmember Blanscet agreed that the Council must be very flexible and nimble; and in light of the many changes by the Governor and the counties, he was in agreement with Mayor Falconer's recommendation and comments.

Deputy Mayor Pro Tem Cruz noted that the ordinance was put in place because of the differences within the orders by the three counties and asked if Carrollton would be able to provide the consistency through power of the Disaster Declaration in place through May 12. Mayor Falconer stated the ordinance was good because the three counties were not totally aligned and he felt that rescinding the Ordinance doesn't mean that he couldn't put an emergency order in place that would cover the entire city. He added that it is possible that what works in one area will not work in another and felt there wasn't a clear solution. As an example, he explained that currently Dallas County requires a person to wear a mask when going to an essential business but neither Denton nor Collin County have such a requirement. He stated that the residents and the business community

have worked with the City very well without the need for citations and that it is likely that there will continue to be differences in requirements in the three counties.

Councilmember Sutter agreed that the Council needs the ability to react and address situations quickly. He stated that the Mayor has acted in an exemplary manner throughout the disaster and spoke in favor of making sure the authority remains vested in the mayor to loosen or tighten restrictions. Ladd confirmed that the Disaster Declaration gives Mayor Falconer the authority to amend the Orders anytime until May 12, 2020 at 11:59 pm.

Councilmember Cochran voiced the importance of communicating to the citizens any changes in the Orders; she felt that getting the right information to the community is in large part responsible for the success. Mayor Falconer agreed and credited Kelli Lewis and the staff of the Marketing Department for the communication to the residents.

Councilmember Blanscet reiterated his appreciation for the Metrocrest Chamber for their efforts noting they would be key in assisting the businesses. He asked Mayor Falconer if he anticipated further Orders. Mayor Falconer replied that he communicates with other mayors and the county judges regularly and stated that while he doesn't have an exact answer, he felt that they need to be very intentional in order to give some relief to the residents and businesses as soon as it makes sense from a health and safety perspective, such as elective surgeries. He felt that many businesses could meet social distancing guidelines and still operate.

Councilmember Hennefer spoke in favor of terminating the ordinance as suggested stating that the State's orders and the County orders would supersede the City's ordinance; he did not see the need for the ordinance.

Councilmember Babick moved to amend the ordinance to terminate on April 22; second by Mayor Pro Tem Sung. Ladd requested that the Council include a time for termination. Mayor Falconer suggested 12:01 am. **Councilmember Babick and Mayor Pro Tem Sung agreed with including 12:01 am as the termination time on April 22, 2020. The motion was approved with a unanimous 7-0 vote.**

PUBLIC FORUM

26. Hearing of any citizen/visitor on items not listed on the regular meeting agenda. Citizens wishing to address the Council regarding items on the posted agenda will be called to speak during the Council's consideration of such items.

Citizens/visitors wanting to speak may join this meeting through Zoom by visiting <https://zoom.us/j/125484317?pwd=R3gyVG8zMjFvRkJoaklHUHN3YVovUT09>, by calling 1 346 248 7799 using the following information: Meeting ID 125 484 317, Password: 025054, or by submitting comments by 7pm March 26 to the City Secretary via email at citysecr@cityofcarrollton.com. Speakers must address their comments to the presiding officer rather than to individual Council members or staff; Speak clearly into their device and state your name and address prior to beginning your remarks; Speakers will be allowed between 2 and 4 minutes for testimony; Speakers making personal, impertinent, profane or slanderous remarks may be removed from the room; Unauthorized remarks from the audience, stamping of feet, whistles, yells and similar demonstrations will not be permitted; No placards, banners or signs will be permitted in the Chambers or in any other room in which the Council is meeting. In accordance with the State Open Meetings Act, the City Council is restricted from discussing or taking action on items not listed on the agenda. Action can only be taken at a future meeting.

Sheila Brodus, 2221 Creekridge Drive, asked if the Oak Creek Tennis Court would be allowed to reopen and Mayor Falconer stated they would be reviewing those types of facilities and the ability to follow recommended guidelines.

Adam Polter, 2108 Creek Hollow, commented that one of the problems with allowing tennis is that the players are touching the same ball allowing the possibility of cross contamination. He also spoke regarding the use and lack of use of face masks and in favor of the Council's support of Metrocrest Services.

Zul Mohamed, 1616 Bennington Drive, suggested that extra city vehicles that could possibly provide emergency services be readied for that purpose.

Mayor Falconer adjourned the Regular meeting at 8:45 pm and announced the Council would reconvene in Worksession after a short recess.

*****WORKSESSION*****

Mayor Falconer reconvened the Worksession at 8:53 pm.

4. Discuss Community Funding Policy And Committee.

Mayor Falconer recognized the members of the Committee as Councilmember Blanscet as Chair, Deputy Mayor Pro Tem Cruz and Councilmember Sutter. He asked Councilmember Blanscet to review the recommendation brought forward.

Councilmember Blanscet stated that after the new policy being in place, several problems were identified with how the policy worked. He felt the policy was a good beginning and they had expected that changes might be needed. He stated that one of the problems was with verifying receipts and information on what things qualified for reimbursement resulting in excessive hours of staff work. He reviewed the main changes proposed in the policy.

- 1.) Special Event grants be based on verifiable attendance from a prior year
- 2.) Maximum grant would be \$25,000
- 3.) Party responsible for reviewing the grant requests would be a Council Ad Hoc committee

Councilmember Blanscet stated that similar changes were proposed for the Special Project aspect of the policy except that the amount of reimbursement would not be based on attendance and the caps in place currently would remain. The Committee also recommended that the Ad Hoc Committee would review funding for Community Service Organizations although it is a separate policy. He explained that over the last two years, the NAC (Neighborhood Advisor Commission) had been tasked with making a recommendation but the decision continues to be a part of the political process. The Ad Hoc Committee would be responsible for vetting the requests and with making a recommendation to Council with regard to funding.

Councilmember Cochran proposed that the appointments by the mayor to the Ad Hoc Committee should be based on the four districts of the City on a yearly rotating cycle. She also questioned the application deadline and the acceptable method to verify attendance. Councilmember Blanscet stated that the intent about the deadline is to fix a solid deadline to vet the application and meet the budget process. With regard to the attendance, he stated that it was written vague because it would be up to the Ad Hoc Committee to make a determination regarding the source of the attendance. He added that it must be a source independent from the applicant; it's intended to give some flexibility to the

Committee. Mayor Falconer stated that he was in agreement with making sure there is good representation across the city.

Mayor Pro Tem Sung asked how the committee arrived at the maximum grant amount; he felt the amount seemed low. Councilmember Blanscet stated that the numbers didn't have a scientific basis but they decided on the maximum amount and went from there based on attendance. He stated that 40,000 was a number based on the City's Switchyard event. He underscored that this was a grant and not intended to pay a large portion of an event. Councilmember Sutter stated there was no type of study on the economic value to the City of any particular size. He stated there was discussion among the committee about the value and impact. He added that by changing it to attendance and semi flat amounts, it took a lot of burden off of the non-profits and off of the staff in review time. Councilmember Blanscet added that the applicant would not receive the grant funds until after the event happens and would not have to submit receipts or budget types of things in order to be eligible. Deputy Mayor Pro Tem Cruz stated that the thought process was that larger events don't necessarily need as much City funds as a smaller organization needs. She stated the committee was also cautious about putting too large of a number that future budgets would be constrained to meet, and they were trying to be as fiscally responsible as the Council is in all of its decisions. Mayor Pro Tem Sung felt the policy was more discouraging than encouraging. Mayor Falconer stated that for the history of Carrollton until the last year, special events funding was not an option. Councilmember Blanscet agreed and felt that this proposal was a good starting point. Mayor Pro Tem Sung felt the amount should be increased to compete with other cities.

Councilmember Babick felt that he would prefer a general attendance amount by city staff rather than a verifiable number; prefer the City be a little less stringent. With regard to the Community Service funding, he felt that the Ad Hoc Committee would be doing the same thing as NAC did. Deputy Mayor Pro Tem Cruz felt that a Council Committee would have a better understanding of the groups because the Council works more closely with the organizations. She felt that a recommendation coming from a Council group would likely be more accurate and more appropriate. Councilmember Blanscet underscored that NAC did a good job and with the Ad Hoc Committee in place, it just made sense to let it make the recommendation. With regard to Special Events, Councilmember Babick felt it potentially brings in new events that haven't been explored in the past and asked about the thinking in terms of the budgeting process. Councilmember Blanscet stated there is no specific number planned; it would probably be a Council action item and Council may not approve all of the events or may reduce them all; it would be dependent on whatever is available, if any. Councilmember Babick felt the policy would help the Council in the long run and it may help to attract new event types. He also felt, beyond the dollars, how the City can leverage its marketing team in a non monetary fashion to help the events. Councilmember Blanscet stated the Committee had a lot of discussion about attendance and wanted to move away from staff giving the attendance because it would impact the amount of grant funds. Councilmember Babick stated that the explanation helped his understanding.

Councilmember Cochran underscored that the grant was never intended to fund an event; it was meant to give some support. She felt that the City giving a grant was an invitation for an event to come to Carrollton. She asked if the funding was not used one year, would it be carried forward to the next. Councilmember Blanscet stated the amount of funding would be based on an annual basis. He added that the policy makes it clear that just because an event gets funding one year, doesn't mean it will receive funding the next year because the City may not have the funds to offer grants. Mayor Falconer stated the funding comes from the non-recurring funds bucket requiring the Council to make the decision on what is best for the community.

Councilmember Babick asked if the current committee would be the Ad Hoc Committee to review the applications due by May 31. Mayor Falconer replied probably not and stated that even though

this is an odd year, Council appointments and sub-committee appointments would be made in May with some reshuffling probably after the November election. Councilmember Blanscet stated the intent is that the Ad Hoc Committee be short term; appointed in May/June with its job complete by September. He stated his understanding that staff would notify the groups that received funding last year.

Mayor Falconer noted the fast approaching deadline of May 31 and asked the Council if there were any changes. There was a general consensus to move forward with the proposed policy.

5. Discuss Dates For The July Through December 2020 Council Meetings.

Listed below are the July through December 2020 Council meeting dates.

- July 7 & 21
- August 4, 13 & 17*
- September 1 & 15
- October 13 & 27
- November 10 & 24
- December 15

*only required if Council wants to increase tax rate more than 3.5%

6. Receive COVID-19 Response Updates.

Emergency Management Coordinator Elliott Reep stated there is a flattening of the curve and will likely not exceed hospital capacity which is what has been the goal with all of the measures put in place. Staff will consider how any future Orders by the Governor will impact Carrollton with regard to reopening; and staff is continuing to operate at Stage 4. He added that staff encourages anyone wanting to support the first responders with meals to take food or make donations to Metrocrest Services because the employees could not accept such donations at this time.

Councilmember Babick asked for a timeframe of when staff might be able to provide more information regarding reopening requirements. Reep replied that they expect to have more information on guidelines after the Governor’s conference on April 27.

Councilmember Sutter asked for the current number of active cases in Carrollton. Reep replied that the only numbers he receives are cumulative: Dallas County – 36 cases; Denton County – 67; 103 total cases.

Deputy Mayor Pro Tem Cruz asked about the key factors to be considered in opening City facilities and Reep replied the group gathering number restrictions.

7. Mayor and Council reports and information sharing.

ADJOURNMENT - Mayor Falconer adjourned the meeting at 10:05 pm.

ATTEST:

Laurie Wilson, City Secretary

Kevin W. Falconer, Mayor